

MINUTES OF THE CITY OF BURLINGTON
CITY COUNCIL MEETING
May 4, 2010

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chamber, Municipal Building, 425 South Lexington Avenue, Burlington, N. C., 27216-1358, on May 4, 2010, at 7:00 p.m.

Mayor Ronnie K. Wall presided

Councilmembers Present: Mayor Wall, Councilmembers Huffman,
Butler, Ross and Faucette

Councilmembers absent: None

Harold Owen, City Manager: Present

Robert M. Ward, City Attorney: Present

Jondeen D. Terry, City Clerk: Present

INVOCATION: Councilmember Jim Butler

PROCLAMATION: Public Works Week - May 16 - 22, 2010

APPROVAL OF MINUTES:

Mayor Wall called for approval of the City Council minutes of the meeting of April 20, 2010.

Upon motion by Councilmember Butler, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to approve the minutes of the meeting held on April 20, 2010.

ADD-ON: CONSENT AGENDA: Local Bill - Disposition of City-owned
Property

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Ross, it was resolved unanimously to approve the add-on.

ADOPTION OF AGENDA

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Butler, it was resolved unanimously to adopt the agenda with the add-on.

CONSENT AGENDA:

ITEM 1:

- A) To approve the Professional Services Agreement in the amount of \$36,053.96 with Stantec Consulting Service, Inc. Funds for this study are provided jointly by the Burlington-Graham MPO and the North Carolina Department of Transportation.
- B) To set a date of public hearing for May 18, 2010, for the Auburn Springs and Auburn Trace contiguous voluntary annexation.

10-06

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Burlington, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Municipal Building at 7:00 p.m. on May 18, 2010.

Section 2. The area proposed for annexation is described as follows:

Auburn Springs & Auburn Trace Contiguous Voluntary Annexation

A certain tract or parcel of land in Boone Station Township, Alamance County, North Carolina, bounded on the north by the right-of-way line of Crouse Lane, bounded on the east by WKS Corporation and by BB&T, bounded on the south by Cody Mitchell Perry and Debra Isley property and bounded on the west by property owned by Kirkpatrick Professional Center, Kirkpatrick I, LLC, and Alamance Eye Real Estate, LLC, and being more particularly described as follows:

Lot 1 Auburn Springs Housing Associates, LLC

BEGINNING at an iron pipe in the southern margin of Crouse Lane (SR 1163), said iron pipe being the northeast corner of the Kirkpatrick Professional Center, LLC, property described in Deed Book 1662, Page 781, of the Alamance County Register of Deeds and running thence S 81° 47' 03" E for a distance of 598.79 feet to an iron pipe, said point being the northwest corner of the Auburn Trace Housing Associates, LLC property, as described in Deed Book 2411, Page 828, of the Alamance County Register of Deeds; thence, S 08° 12' 57" W for a distance of 40.00 feet along the Auburn Trace line to a nail set in the pavement; thence, S 07° 07' 54" E for a distance of 47.86 feet to an iron pipe; thence, S 02° 43' 10" W for a distance of 64.49 feet to an iron pipe; thence, S 35° 54' 27" W for a distance of 93.34 feet to an iron pipe; thence, N 87° 16' 50" W for a distance of 96.48 feet to an iron pipe, said iron pipe being the northeast corner of the Evergreen Construction Company property described in Deed Book 2414, Page 648, of the Alamance County Register of Deeds; thence, S 79° 47' 14" W for a distance of 200.14 feet to an iron pipe, said iron pipe being the northwest corner of the Evergreen Construction Company property; thence N 35° 07' 50" W a distance of 420.09 feet along the Kirkpatrick property line to an iron pipe being the POINT OF BEGINNING and more particularly describing a 2.88 acre tract of land.

Lot 2 Auburn Trace Housing Associates, LLC

BEGINNING at an iron pipe in the southern margin of Crouse Lane (SR 1163), said iron pipe being the northeast corner of the Auburn Springs Housing Associates, LLC, property described in Deed Book 2411, Page 835 of the Alamance County Register of Deeds and running thence, S 81° 47' 03" E for a distance of 89.95 feet to an iron pipe; thence along a curve having a bearing of S 87° 55' 54" E, a radius of 634.10 feet and for a distance of 141.46 feet to an iron pipe along said right-of-way, said point being the northwest corner of the Evergreen Construction Company property described in Deed Book 2158, Page 434, of the Alamance County Register of Deeds; thence, S 04° 35' 38" E for a distance of 40.00 feet to an iron pipe on the Evergreen line; thence, S 14° 28' 45" W for a distance of 111.51 feet to an iron pipe on said line; thence, N 87° 16' 50" W for a distance of 88.70 feet to an iron pipe on said line; thence, S 03° 20' 26" W for a distance of 192.69 feet to a point marked on a manhole on said line; thence, S 38° 13' 32" E for a distance of 195.15 feet to an iron pipe on said line; thence, N 47° 01' 54" E for a distance of 52.24 feet to an iron pipe on said line; thence, S 87° 58' 06" E for a distance of 55.38 feet to a point marked on a manhole on said line; thence, S 42° 58' 06" E for a distance of 266.98 feet to an iron pipe; said iron pipe being the southwestern corner of the Evergreen Construction Company property described in Deed Book 2158, Page 434, of the Alamance County Register of Deeds, said iron pipe also being on the northwestern property line of the Perry Mitchell property described in Deed Book 2116, Page 837, of the Alamance County Register of Deeds; thence, S 46° 57' 47" W for a distance of 164.01 feet to an iron pipe, said iron pipe being the northwestern point of the Mitchell property, said iron pipe also being the northeastern point of the John B. Isley property described in Deed Book 93, Page 200, of the Alamance County Register of Deeds; thence, S 48° 15' 18" W for a distance of 299.36 feet to an iron pipe on the Isley line; thence, N 35° 12' 53" W for a distance of 663.64 feet to an iron pipe, said iron pipe being the southwestern corner

of the Evergreen Construction Company property described in Deed Book 2414, Page 648, of the Alamance County Register of Deeds, thence, N 79° 40' 48" E for a distance of 199.67 feet to an iron pipe, said iron pipe being the southeastern corner of the Evergreen Construction property; thence, N 35° 10' 07" W for a distance of 219.88 feet to an iron pipe, said iron pipe being the northeastern corner of the Evergreen Construction Company property, said iron pipe also being on the southern line of the Auburn Springs Housing Associates, LLC, property described in Deed Book 2411, Page 835, of the Alamance County Register of Deeds; thence, S 87° 16' 50" E for a distance of 96.48 feet to an iron pipe along the Auburn Springs line; thence, N 35° 54' 27" E for a distance of 93.34 feet to an iron pipe on said line; thence, N 02° 43' 10" E for a distance of 64.49 feet to an iron pipe on said line; thence, N 07° 07' 54" W for a distance of 47.86 feet to a nail in the pavement on said line; thence N 08° 12' 57" E a distance of 40.00 feet to the POINT OF BEGINNING; more particularly describing a 6.80 acre tract of land.

Lot 3 Evergreens Construction Company

BEGINNING at an iron pipe in the southern margin of Crouse Lane (SR 1163), said iron pipe being the northeast corner of the Auburn Trace Housing Associates, LLC, property described in Deed Book 2411, Page 828, of the Alamance County Register of Deeds and running thence along a curve with a bearing of N 85° 29' 37" E, having a radius of 684.04 feet, for a distance of 3.64 feet to an iron pipe along said right-of-way; thence, N 85° 24' 22" E for a distance of 154.07 feet to an iron pipe along said right-of-way, said point also being on the western line of the Waterfalls, LLC, property described in Deed Book 2376, Page 314, of the Alamance County Register of Deeds; thence, S 24° 10' 46" E for a distance of 150.04 feet to an iron pipe along the Waterfalls, LLC, line, said point being the southwestern corner of the Waterfalls, LLC, property; thence, N 57° 58' 54" E for a distance of 326.90 feet to an iron pipe on said line; thence, S 15° 16' 40" E for a distance of 405.47 feet to a stone on said line, said stone being the southwestern corner of the Waterfalls, LLC, property, said stone also being on the northern line of the David and Ann Isley property described in Deed Book 546, Page 772, of the Alamance County Register of Deeds; thence, S 46° 57' 47" W for a distance of 452.68 feet to an iron pipe, said iron pipe being located on the northern property line of the Perry Mitchell property described in Deed Book 2116, Page 837, of the Alamance County Register of Deeds, said point also being the southwestern corner of the Auburn Trace property; thence, N 42° 58' 06" W for a distance of 266.98 feet to a point marked on a manhole along the Auburn Trace line; thence, N 87° 58' 06" W for a distance of 55.38 feet to an iron pipe on said line; thence, S 47° 01' 54" W for a distance of 52.24 feet to an iron pipe on said line; thence, N 38° 13' 32" W for a distance of 195.15 feet to a point marked on a manhole on said line; thence, N 03° 20' 26" E for a distance of 192.69 feet to an iron pipe on said line; thence, S 87° 16' 50" E for a distance of 88.70 feet to an iron pipe on said line; thence, N 14° 28' 45" E for a distance of 111.51 feet to an iron pipe on said line; thence N 04° 35' 38" W a distance of 40.00 feet to the POINT OF BEGINNING; more particularly describing a 7.16 acre tract of land.

Lot 4 Evergreens Construction Company

BEGINNING at an iron pipe on the eastern line of Kirkpatrick Professional Center, LLC, at a corner with Auburn Springs Housing Associates, LLC, said iron pipe being located S 35°07'50" E a distance of 420.09' from an iron pipe marking the northwestern corner of the Auburn Springs Housing Associates, LLC, property described in Deed Book 2411, Page 835, of the Alamance County Register of Deeds and the northeast corner of the Kirkpatrick Professional Center, LLC, property described in Deed Book 1662, Page 781, and the southern margin of Crouse Lane (SR #1163); and running thence long the Auburn Springs line, N 79° 47' 14" E for a distance of 200.14 feet to an iron pipe, said iron pipe being on the southern line of the Auburn Springs Housing Associates, LLC, property described in Deed Book 2411, Page 835, of the Alamance County Register of Deeds, said point being the northwestern corner of the Auburn Trace Housing Associates, LLC, described in Deed Book 2411, Page 828; thence, S 35° 10' 07" E for a distance of 219.88 feet to an iron pipe, said iron pipe being on the western line of the Auburn Trace property; thence, S 79° 40' 48" W for a distance of 199.67 feet to an iron pipe, said iron pipe being the southeastern corner of the SCDI, LLC, property described in Deed Book 2125, Page 33 of the Alamance County Register of Deeds, said iron pipe also being the northeastern corner of the Kirkpatrick Professional Center, LLC, property described in Deed Book 1662, Page 781; thence N 35° 14' 16" W a distance of 220.42 feet to the POINT OF BEGINNING; more particularly describing a 0.92 acre tract of land.

Section 3. Notice of the public hearing shall be published in The Times-News, a newspaper having general circulation in the City of Burlington, at least 10 days prior to the date of the public hearing.

- C) To approve a carnival permit for Michael Enterprises to hold a carnival from June 3, 2010, through June 13, 2010, located at the Burlington Square Mall. All requirements have been met. The Carnival has been scheduled after the 2010 Alamance County Agricultural Fair.
- D) To approve a final plat of the Woods at Grove Park Townhomes, Phase Six. The property is located north of South Mebane Street and south of Trail Six on plans by Simmons Engineering, Inc., dated March 23, 2010, and containing four lots.
- E) To request Senator Tony Foriest, Representative Alice Bordsen and Representative Dan Ingle to sponsor and introduce local bills to amend the City's Charter to rewrite the provisions relating to the disposition of City-owned property and to add provisions granting the authority to provide economic incentives for aiding and encouraging residential development in municipal service districts.

Upon motion by Councilmember Butler, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to approve the foregoing consent agenda.

NEW BUSINESS:

ITEM 2: GOLDEN EAGLE TAXI SERVICE - METER RATE INCREASE

Mayor Wall announced that Mr. Dwayne McIntire, Golden Eagle Taxi Service, had requested to address the City Council regarding a rate increase.

Mr. Dwayne McIntire asked Council for a rate increase due to the economic issues with gas. Mr. McIntire asked for an additional 60 cents on a drop. Currently the drop is at \$2.00 and the increase would be at \$2.60.

Mayor Pro Tem stated that request from the Police Department was \$2.50.

Mr. McIntire stated he would be happy with \$2.50.

Councilmember Butler asked the date of the last taxi rate increase.

Mr. McIntire stated the last increase was in 2005.

Upon motion by Councilmember Ross, seconded by Councilmember Butler, it was resolved unanimously to approve a taxi rate increase in the amount of \$.50.

ITEM 3: APPROVAL TO SUBMIT FIVE-YEAR CONSOLIDATED PLAN - COMMUNITY DEVELOPMENT PROGRAM

Mayor Wall announced that the City Council would consider approval of the 2010-2015 Community Development Program Five-year Consolidated Plan.

Ms. Shawna Tillery, Community Development Administrator, stated that the 30-day comment period had been held and no comments were received. She stated a public hearing was held on April 6, 2010, and several individuals spoke in support of projects that are being proposed with Community Development Block Grant funds. Ms. Tillery stated that the updated budget showed total allocations in the amount of \$477,189 and would be matching that with \$100,000 revolving loan funds for a total of \$577,189.00. She asked Council to approve the Consolidated Plan which included the One-Year-Action Plan for the Community Development Block Grant and approval of the HOME Budget for the City.

Councilmember Faucette asked how the students were chosen for the Construction Training Program.

Ms. Tillery stated that the North Carolina Home Builders Association placed an ad in the local newspaper and referrals are submitted through Dianne Shipmon at the Police Department. These students are all low to moderate income individuals.

Upon motion by Councilmember Ross, seconded by Mayor Pro Tem Huffman, it was resolved unanimously to approve the Community Development Five-Year Consolidated Plan and the HOME loan program.

ITEM 4: SET DATE OF PUBLIC HEARING - AMEND CONDITIONAL BUSINESS REZONING - BURLINGTON STATION - ON APPEAL

Mayor Wall announced that the City Council would consider a request to set a date of public hearing to amend a Conditional Business (CB) rezoning for Burlington Station approved by City Council November 1, 2005. The request is to allow the use of a tire center with auto repair with no outside storage of tires or wrecked and inoperable vehicles. The property is located on the southwest corner of Rural Retreat Road and University Drive as shown on Alamance County Tax Map 3-26-88. (On Appeal)

Upon motion by Mayor Pro Tem Huffman, seconded by Councilmember Faucette, it was resolved unanimously to continue the request to the May 18, 2010, City Council meeting due to the petitioner not being present.

PUBLIC COMMENT PERIOD

There were no public comments.

CITY COUNCIL COMMENTS

- Mayor Wall stated that Council received a letter from Commissioner Rita Wiggs, USA South Athletic Conference, commending the City's Recreation and Parks staff on the fifth annual USA South Sports Festival in Burlington. This event was, and Mayor Wall thanked staff for all its hard work.
- Council also received a letter from the Beverly Hills Neighborhood Association commending the Police Department and the Inspections Department for their assistance in removing tenants from a house on Main Street who had been disrupting

the neighborhood and allowing the owner to bring the house up to City Code. Also, the Association thanked the Police and Inspections staff for making their neighborhood safer and more pleasant to live.

- Council had a positive meeting with Senator Tony Foriest, Representative Alice Bordsen and Representative Dan Ingle on legislative issues.
- Councilmember Faucette stated that he had attended several DARE graduations. All were positive and well attended by parents.

ADJOURN

Upon motion by Councilmember Butler, seconded by Councilmember Faucette, it was resolved unanimously to adjourn.
(7:18 p.m.)

Jondeen D. Terry
City Clerk

May 4, 2010